

SENATE BILL 1811

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 20; Title 29 and Title 50, relative to remedies
to address discriminatory practices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-21-306(a)(7), is amended by deleting the subdivision and substituting instead the following:

(7) Payment to the complainant of damages for an injury, including humiliation and embarrassment, caused by the discriminatory practice, and costs, including a reasonable attorney's fee; provided, however, when payment for damages arises from a discriminatory employment practice, any awarded attorney's fee shall not exceed the total of all damages awarded to the complainant;

SECTION 2. Tennessee Code Annotated, Section 4-21-306(a), is amended by adding the following subdivisions:

(10) Payment by an offeree of all costs accruing after the making of an offer, including a reasonable attorney's fee, if a party presents an offer of judgment pursuant to Tennessee Rules of Civil Procedure, Rule 68, in an action to recover damages for a discriminatory employment practice and the offer is rejected by the adverse party and the adverse party subsequently obtains a final judgment that is no more favorable than the offer;

(11) Payment of all costs, including a reasonable attorney's fee, that were incurred in defense of a frivolous claim if any person found by the court to have filed a frivolous claim alleging a discriminatory employment practice. For purposes of this subdivision (a)(11), "frivolous claim" means a claim that completely lacks merit under

existing law and cannot be supported by a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law;

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to actions filed on or after that date.